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2 February 1995

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE CZECH REPUBLIC ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 6 January 1995 from the Permanent Representative of the Czech Republic to the United Nations, stating that Mr. Jan Michal has been appointed alternate representative of the Czech Republic on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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2 February 1995

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE CZECH REPUBLIC ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 31 January 1995 from the Permanent Representative of the Czech Republic to the United Nations, stating that Mr. Ivan Počuch has been appointed alternate representative of the Czech Republic on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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S/1995/100
2 February 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 JANUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my numerous letters on the subject, the most recent of which was that circulated as document S/1995/78, I have the honour to inform you that aircraft of the United States and its coalition partners are overflying a number of heavily populated cities and industrial sites in Iraq at low altitudes and breaking the sound barrier. The breakage of glass panes set in windows and doors by the strong shock waves produced when the sound barrier is broken causes material damage and human casualties. United States aircraft have broken the sound barrier numerous times in the recent past, as follows:

1. At 1305 hours on 11 January 1995 United States aircraft flying at low altitudes broke the sound barrier over the State Enterprise for the Petrochemical Industries in Basra Governorate. The shock waves produced by this action caused certain equipment to malfunction.

2. At 1800 hours on 11 January 1995 a United States aircraft flying at low altitude broke the sound barrier a number of times over Basra and its nearby townships.

3. At 1525 hours on 22 January 1995 United States aircraft flying at low altitudes broke the sound barrier over the city of Nasiriyah in Dhi Qar Governorate. This action was repeated at 1530 hours.

That United States aircraft are continuing to break the sound barrier at low altitudes in order to frighten peaceable women, children and elderly persons provides repeated evidence of the persistence of the Government of the United States of America in causing harm to Iraq and its people and in encroaching on its security and sovereignty.

The Government of the Republic of Iraq protests in the strongest terms against the persistence of these acts of aggression, and it requests you to intervene and to take those measures required of you under the Charter of the United Nations in order to halt these actions and prevent their future recurrence.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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General Assembly
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~~A/49/844~~
S/1995/101
2 February 1995
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ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 74
PROTECTION AND SECURITY
OF SMALL STATES

SECURITY COUNCIL
Fiftieth year

Letter dated 2 February 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit for your information note No. 62/GM-SOI dated 1 February 1995 (see annex), addressed to you from Ambassador Eduardo Mora Anda, Under-Secretary for International Organizations of the Ministry of Foreign Affairs of Ecuador, in which he reports on the serious incidents which are continuing to occur with respect to the delicate situation that exists on the border between Ecuador and Peru.

I should be grateful if you would have this note and its annex circulated as documents of the General Assembly, under agenda item 74, and of the Security Council.

(Signed) Luis VALENCIA RODRIGUEZ
Permanent Representative

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ANNEX

Letter dated 1 February 1995 from the Under-Secretary for International Organizations of Ecuador addressed to the Secretary-General

Further to note No. 1040-1 of 29 January 1995 addressed to you from the Minister for Foreign Affairs of Ecuador, I have the honour to transmit this report on the current state of the delicate situation that exists on the border between Ecuador and Peru.

On 30 January, Ecuador accepted the proposal made by the guarantor countries of the Rio de Janeiro Protocol to establish a mission composed of representatives of each of those countries in order to cooperate with Ecuador and Peru in resolving that situation. Ecuador has offered its complete support in order to enable the mission to achieve its objectives speedily. To the same end, Ecuador agreed to attend, together with the representatives of the guarantor countries and Peru, a meeting in Rio de Janeiro on 31 January.

Furthermore, as a reaffirmation of its desire to resort exclusively to peaceful means for the settlement of disputes and to exhaust all possibilities to achieve that objective, Ecuador has requested the convening of the Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States and that request has been granted.

Lastly, in response to the request addressed to the two parties to the conflict by the Deputy Minister for Foreign Affairs of Brazil, Ecuador accepted an unconditional cessation of hostilities as of 1200 hours local time on 31 January. Peru, however, contrary to the good faith demonstrated by Ecuador, unexpectedly spoke of a "suspension of military operations", which means that Peru was opting for an uncertain halt to such operations with the possibility of resuming at any time its acts of aggression against Ecuador, as it has subsequently done.

Ecuador believes that the cease-fire is a basic element for the negotiation process and sees no reason at all why the cease-fire should not be definitive.

In spite of the foregoing, as of 1000 hours today, 1 February, Peru's armed forces have launched a massive attack against Ecuador's military detachments in Coangos and Condor Mirador, the latter located in a region that until now had been far from the area of conflict. Peru's offensive is being conducted both on the ground and from the air. For the first time in the conflict, Peru has actively used fighter bombers.

The attack by Peru constitutes a flagrant violation of the cease-fire agreed to by the two nations and the four guarantor countries of the Rio de Janeiro Protocol: Argentina, Brazil, Chile and the United States of America. The offensive is being carried out precisely at a time when the Deputy Ministers for Foreign Affairs of Ecuador, Peru and the guarantor countries are meeting in Rio de Janeiro.

The attitude of the Peruvian armed forces demonstrates their intention to violate the most elementary norms of international peaceful coexistence and they are completely ignoring the action taken by the guarantor countries.

The attacks carried out by Peru at a time when an internationally agreed cease-fire is in effect make that nation an aggressor State, whose actions are endangering international peace and security.

(Signed) Eduardo MORA ANDA
Under-Secretary for International
Organizations

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S/1995/102
2 February 1995

ORIGINAL: ENGLISH

LETTER DATED 2 FEBRUARY 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to inform you of the following.

The Zionist regime has recently intensified its propaganda campaign against the Islamic Republic of Iran in general and Iranian peaceful nuclear programme in particular. Actions range from baseless speculation about alleged Iranian nuclear weapon activities to threats of possible attack against peaceful Iranian nuclear facilities. The reason behind such malicious attempts on the part of the Zionist elements is quite clear: depicting the Islamic Republic of Iran as a threat to the region in order to advance its own objectives. By so doing, Israel aims to sow discord among countries of the region on one hand and divert the attention of the international community regarding its own nuclear weapons and expansionist policies on the other.

The Islamic Republic of Iran has, on numerous occasions, declared its commitment to the non-proliferation of nuclear weapons. As an original signatory of the Non-Proliferation Treaty (NPT) the Islamic Republic of Iran has a full-scope Safeguard Agreement with the International Atomic Energy Agency (IAEA). Routine as well as non-routine inspections of the Islamic Republic of Iran's nuclear facilities by IAEA have confirmed that the Islamic Republic of Iran is in full compliance with the NPT and the Safeguard Agreement of IAEA.

Different IAEA officials have noted the Islamic Republic of Iran's compliance with the IAEA safeguard regime and refuted claims on the existence of the so-called Iranian nuclear weapon programme. In this context, Mr. David Kyd, the spokesman of IAEA, stated on 10 January 1995 that:

> We inspect Iran on a quarterly basis and we have found nothing indicative of a programme other than for peaceful purposes ... We have found the Iranians in compliance with their obligations to the Nuclear Non-Proliferation Treaty.

The self-serving Israeli propaganda and arrogant behaviour coupled with its well-known nuclear weapons capability constitute a threat to regional security and represent yet another manifestation of the persistence of the expansionist and inherently aggressive policies of the Zionist entity. The Islamic Republic of Iran, while categorically rejecting these baseless allegations, has amply demonstrated its total commitment to international law and its international obligations as well as its unwavering resolve to defend its sovereignty and territorial integrity and repel decisively any foreign aggression.

It would be highly appreciated if the present letter was circulated as a document of the Security Council.

(Signed) Gholamali KHOSHROO
Ambassador
Chargé d'affaires a.i.

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S/1995/103
3 February 1995

ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to a number of requests for information on the status of the United Nations Assistance Mission for Rwanda (UNAMIR) radio in Rwanda, I would like to provide you with an update on that situation based on information I have received from the Ministry of Transport and Communications.

The Government of Rwanda has given authorization for Radio UNAMIR to operate. However, because of technical difficulties, broadcasts have not begun. These problems have developed for a number of reasons.

The technical personnel responsible for setting up the radio were incorrectly advised by UNAMIR on the type of equipment that could be used in Rwanda. The relevant authorities in Rwanda were not consulted. As a result, the equipment was almost identical to that used by the national radio station, Radio Rwanda.

The placement of the transmitters presented another problem. Initially, the engineers, in consultation with UNAMIR personnel, decided to set up the transmitters inside the UNAMIR compound.

Subsequently, UNAMIR, disregarding all international regulations, conducted transmission tests of its radio in November without authorization from the Government of Rwanda. When those transmissions were detected by our engineers and their location was determined, the Government of Rwanda made a verbal protest to UNAMIR. Only then did UNAMIR request permission to broadcast.

The request was discussed in a Cabinet meeting and permission was immediately given to UNAMIR. Once permission was granted, our engineers requested access to UNAMIR's radio equipment and information on the tests conducted, but getting access took some time. It was then noticed that Radio UNAMIR had chosen frequencies that were very close to those of Radio Rwanda and which would interfere with the national radio. We had to request them to change the frequencies. That operation caused further delay.

As I mentioned above, as a result of UNAMIR's desire to locate the equipment inside its compound, difficulties were encountered because the compound is not necessarily located in places that are high in altitude and that would facilitate transmission. Their engineers later realized that the transmitters would not be effective. They faced the option of replacing them with more powerful transmitters, which would cost more than initially budgeted for, or placing those transmitters at high altitudes (on mountain peaks).

UNAMIR decided to use the facilities used by our national radio and Rwandatel (the telephone company). UNAMIR was informed that, since its equipment was more powerful than that used by the national radio and Rwandatel, it would cause interference and even disable our communication system. The Government of Rwanda proposed to UNAMIR other sites that were equally high in altitude, but UNAMIR has been reluctant to accept those sites because they do not facilitate helicopter landing. They were advised that they can gain access to the sites on foot and that the equipment can be carried by their personnel.

All the above-mentioned problems are almost solved. There are still some minor problems concerning the frequencies, but the Government of Rwanda is willing to overlook them and allow Radio UNAMIR to start broadcasting. Indeed, UNAMIR contends that the calibration and tuning tests of the new frequencies that were allocated to them had been conducted in London by the British Broadcasting Corporation and therefore they do not have the instruments to do those tests in Rwanda. Another problem exists. Although UNAMIR accepted some of the alternative sites for their transmitters, they insist on using some of the sites used by Radio Rwanda and Rwandatel.

In summary, the delay in the starting of Radio UNAMIR is caused by the following:

(a) UNAMIR failed to follow internationally recognized procedures for starting an independent radio in any country;

(b) Problems of design and the choice of location by UNAMIR engineers;

(c) UNAMIR has, for some unknown reason, resisted giving to the Government the specifications of their equipment.

However, with the cooperation of the Special Representative, Mr. Khan, and the UNAMIR Force Commander, General Toussignant, most of the problems have been solved and Radio UNAMIR will start broadcasting very soon. It should be noted, however, that Radio UNAMIR is actually five radios: two in Kigali, one in Gikongoro, one in Byumba and one in Kibuye. The entire system may not start operating at the same time because there is still the problem of location of the transmitters. Broadcasting will start with three transmitters.

I hope that, with these explanations, the Security Council will understand that the delays were not caused by the Government of Rwanda.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative
of Rwanda to the United Nations

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S/1995/104
3 February 1995

ORIGINAL: ENGLISH

LETTER DATED 2 FEBRUARY 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 2 February 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in paragraph 5 of Security Council resolution 970 (1995) of 12 January 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Operations of the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Report of the Co-Chairmen of the Steering Committee

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of Security Council resolution 970 (1995) adopted on 12 January 1995. In that resolution, the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that on 4 August 1994 the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska';

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska', except food, clothing and medicine."

3. On 19 September, 3 October, 2 November and 5 December 1994, and 5 January 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6). The report dated 5 January 1995 contained the following certification from the Co-Chairmen:

> "In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces".

Developments in the past 30 days are dealt with below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues in force.

5. Sector Belgrade of the Mission has spent a great deal of time trying to perfect ways of preventing trade, disguised as aid, from crossing the border with Bosnia and Herzegovina. One way of doing this is the imposition of weight limits on products that were thought most likely to be traded, i.e., fruit from Bulgaria and Turkey, cooking oil and sweets. These impositions have been done with the full approval and support of the Yugoslav Red Cross and the federal customs authorities. Further product lines are likely to have weight limits imposed in the coming weeks, all in an effort to reduce the profit element in the "donations". Also in an endeavour to prevent the possibility of smuggling, the Sector has requested that the Customs apply more vigorous searching and confiscation procedures at the checking areas. For the most part this has been implemented.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

6. As of 1 February 1995, 188 international personnel were on duty with the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and the United States of America.

7. On 13 January 1995, Mr. Tauno Nieminen of Finland assumed the position of Coordinator. For operational and administrative reasons, effective 11 January 1995, a new Sector named Sector Bajina Basta was established by dividing Sector Bravo into two operational areas. This new Sector is responsible for the area from the boundary with Sector Alpha in the north to 1 kilometre north of the village of Raca, including 24-hour coverage of the Skelani and Kotroman border crossing-points and the railway stations in Uzice and Priboj. Sector Bravo retains operational responsibility for the remainder of the Sector Bravo area of operations.

8. In many areas of Sectors Bravo and Charlie, roads are covered by snow, causing difficult and hazardous driving conditions. With temperatures in some areas as low as 20 degrees Celsius below zero and sporadic power cuts, sometimes lasting up to 13 hours, living conditions inside the caravans at some of the border crossing-points have become extremely difficult. One team was forced to spend 72 hours at the Sastavci border crossing-point because of snow blocking the access road.

IV. FREEDOM OF MOVEMENT OF THE MISSION

9. The Mission continues to enjoy full freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). As opportunities have diminished for smugglers and those profiting from trading in humanitarian goods with the improved checking for contraband at the borders, there is an attendant security problem to be dealt with. An increase in the verbal abuse and threats has been reported by teams in Sector Belgrade and brought to the attention of the authorities. The customs authorities are aware of the problem and of the possibility of the threats being translated into action. They are seeking approval for some of their officers to carry arms. The Mission teams are often working in an emotionally charged atmosphere and have on occasions to deal with people who have been drinking.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

10. In the assessment of the Mission Coordinator, the cooperation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be satisfactory. Customs work, although sometimes uneven, continue to improve at most of the border crossing-points.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

11. The operating principle of the Mission is to base itself on its own observations and on information that it has verified. The Mission Coordinator has maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Coordinator has not received any such information since the last report.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

12. The Mission now covers 19 major crossings 24 hours a day. Mission patrols have noticed that the Yugoslav Army has continued active patrolling and all the routes to the Drina River have been covered. In Sector Charlie, especially, snow drifts along the main roads have made driving conditions treacherous and most minor roads remain impassable.

13. The Mission has received an update on the smuggling attempt at the end of December in the Nudo Valley, where 16 tankers and 7 trucks were seized by the military. The incident is treated as a customs offence. All fuel has been transferred to Jugopetrol in Kotor. The confiscated cigarettes are held at the customs warehouse in Niksic. It is believed that the organizers are from the Trebinje and Bileca area in the "Republika Srpska" and hence they could be difficult to find and prosecute. Drivers will be prosecuted for attempting to cross the border at a crossing-point not authorized for lorries.

14. At Mali Zvornik, there have been numerous incidents in which persons have attempted to cross into Bosnia on foot carrying fuel. This appears to have been an organized attempt to violate the embargo and has been prevented by the militia.

15. At Mali Zvornik, the Mission team also noticed on 13 January that no further than 200 metres from the border control point preparations were going on for a large-scale smuggling operation. Some vehicles were refilling hidden tanks, with approximately 80 to 100 litres of fuel per vehicle. When the local federal police were called, they, together with the authorities at the border control point, confiscated 500 litres of fuel and 1,250 litres of alcohol.

16. At the border crossing-point at Badovinci, in particular, numerous cars and buses have been denied entry into the "Republika Srpska", mainly for carrying large quantities of beer or extra fuel. Customs at Scepan Polje, together with the special customs team, checked a Volkswagen pick-up vehicle. They found 4,600 packages of Partner filter cigarettes. The owners of the goods were charged and the cigarettes were taken away.

17. On 18 January, the Mission Coordinator, together with his Senior Political Adviser, met the Head of Customs, Mr. Kertes. The Mission Coordinator drew his attention to the requirements under Security Council resolution 970 (1995), particularly emphasizing the content of paragraphs 3 and 5. Since 19 January, the import of goods from the "Republica Srpska Krajine" through the "Republika Srpska" has been totally stopped. Until then, trucks mainly loaded with timber and coal were crossing the border from Bosnia to Serbia.

18. The Mission Coordinator requested Mr. Kertes to take action in order to close down the ferry in Jamena. For some weeks, this ferry had been used by only a very few vehicles and persons crossing the river each day. Mr. Kertes agreed that the ferry should be closed down by dismantling the engine. For the last few days the ferry has not operated, but the motor-boat that has been used to push the ferry is still operational.

19. A Mission mobile patrol noticed on 17 January that on the Nudo Valley road a new barricade had been erected by the authorities near Grahovo, 6 kilometres further back from the old barricade. On 19 January, the Mission patrol discovered that the new barricade had been partially removed, letting traffic through on one lane. At the site of the previous rock and gravel barricade, near the border, moveable metal barriers had been erected, guarded by two police and six military personnel. Local cars and buses have been allowed to pass through this border crossing-point.

20. On 20 January, the Mission's acting Special Envoy in Montenegro met with Mr. Zoran Celebic, Chief of Cabinet. Mr. Celebic informed him that the villagers in the Nudo Valley had made several complaints to the Montenegrin Government about the blockade at the border with Bosnia. The Government of Montenegro had therefore decided to remove the barricade and to replace it with concertina wire and metal traffic obstacles. The police, along with the military, were manning the point on a 24-hour basis. Mr. Celebic also stated that only in emergency cases would people be allowed to pass through this point.

21. The Mission Coordinator met with General Kovacevic, Deputy Chief of the General Staff, on 21 January. In their meeting, the Mission Coordinator stated that the Montenegrin decision to dismantle the stone barrier in the Nudo Valley was a very disturbing development, violating the explicit commitment made by General Babic to Mr. Pellnäs. He furthermore referred to Security Council resolution 970 (1995), which specifically mentions the closing of crossing-points, insisting that there must be a permanent, effective barricade put up and that this must be done promptly. General Kovacevic promised to investigate the matter.

22. On 25 January, the Mission Coordinator met with Second Army Commander Babic to discuss the Nudo Valley situation. He expressed great concern that the permanent barrier had been replaced with a moveable barrier without any consultation with the Mission, despite the specific commitments that had been made to Mr. Pellnäs. General Babic acknowledged that he had made a commitment to block permanently the Nudo Valley road. However, he noted that the people in the Nudo Valley had traditionally looked to Trebinje in Bosnia for their schooling, medical and other services, and that the closure of the border had thus been especially disruptive. He submitted that a well-guarded checkpoint with a Mission presence would maintain the effective closure of the border. It would also make it more sustainable because the people would feel their needs had been taken into account. In this regard, Mission personnel reported that local attitudes towards the Mission had noticeably improved since the permanent barrier had been removed.

23. In the assessment of the Mission Coordinator, the practical difficulties caused by the border closure were real. Apart from adding an extra hour of travel time, the alternative route via Vilusi was often unusable because of ice and snow. In the circumstances, the Mission Coordinator is working out an arrangement whereby the Nudo crossing would have a moveable barrier with a 24-hour Mission, police and customs presence, as well as with a permanent military unit on guard. The permanent barrier would be reinstated should there be any attempt to abuse the checkpoint.

24. The Mission has been emphasizing the checking of buses, because they, at this point, seem to have the largest potential for violations. In this regard, improvements are already beginning to be seen in the degree and thoroughness of inspections. In Badovinci the quality of checking has normally been high. However, on 18 January, a 5-seater bus carrying 11 passengers fully loaded with wine, spirits, soap powder, cooking oil, etc. was allowed to proceed to Bosnia at the Badovinci crossing-point. The customs official on duty claimed that duty had been paid at the Hungarian/Yugoslav border and that he would let it go through in spite of the protests by the Mission team. Later, the regional customs officer was disciplined and the Mission received assurances that similar incidents would not take place again.

25. The Mission teams are still reporting that the quality of customs work at some border crossing-points is uneven. At Sremska Raca, customs presence has been increased to allow for more thorough checks of buses. The overall customs checks of vehicles appear to have been tightened up.

VIII. CERTIFICATION

26. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.

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S/1995/105
4 February 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to paragraphs 3 and 4 of Security Council resolution 968 (1994) of 16 December 1994. It provides an account of the activities of the United Nations Mission of Observers in Tajikistan (UNMOT) and the efforts I have undertaken, in accordance with the resolutions of the Council, to make progress towards national reconciliation.

II. ACTIVITIES OF UNMOT

Maintenance of the cease-fire

2. At the time of the adoption of resolution 968 (1994), the situation in Tajikistan was relatively quiet. However, since the end of December there have been a number of reports by the Russian border forces about attempts by armed members of the opposition to infiltrate Tajikistan from Afghanistan across the Pyanj River. For their part, the opposition has reported shelling of Afghan villages by the Russian border forces. I have also taken note of the letter from the Permanent Representative of Afghanistan to the United Nations addressed to the President of the Security Council on 9 January 1995 (S/1995/20).

3. A particularly serious breach of the cease-fire, which was the subject of a formal complaint to the Joint Commission and was investigated by it, took place on 2 January 1995 in the Kalaikhumb sector, when opposition fighters, apparently coming from Afghanistan, ambushed a platoon of the Russian border forces and then a second unit that came to assist the platoon. Nine Russian soldiers were killed and eight wounded; several of the bodies were mutilated.

4. On four occasions in January, UNMOT's team at Pyanj reported shelling by the Russian border forces towards Afghanistan. At the end of January, the Joint Commission carried out an investigation in northern Afghanistan in response to a complaint by the opposition.

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5. It will be recalled that the Agreement on a Temporary Cease-Fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks (S/1994/1102, annex I), signed at Tehran on 17 September 1994, prohibits the redeployment of military formations in Tajikistan. In early January, UNMOT learned that approximately 350 government troops had been deployed to the area of Kalaikhumb/Darvaz. This led to a formal complaint from the opposition. The Tajik authorities have since confirmed that some 350 troops were sent to the area to join the border forces.

6. UNMOT maintained an active schedule of patrolling in the valley between Dushanbe and Garm. Complaints were received from this area concerning the mistreatment of travellers at police checkpoints. After investigation by the Joint Commission, remedial action was taken by the authorities; no further complaints have been received on this matter.

7. One of the issues that has emerged during the reporting period is the existence of discrepancies between the mandate of the Russian border forces, which have broad powers of search and arrest in the border areas, and the provisions of the cease-fire. This has been the subject of a continuing dialogue with the Russian authorities and, in particular, with the Russian border forces in Tajikistan in order to find a way for those forces to carry out their mandate within the spirit and provisions of the Tehran Agreement.

Joint Commission

8. The Joint Commission of the Tajik parties is the main instrument for the maintenance of the cease-fire. The Commission was meant to be composed of 10 members, but currently there are only 8, 4 on each side. UNMOT is closely involved in the Commission's work and chairs its meetings, which take place at UNMOT's headquarters, and UNMOT military observers participate in the Commission's field investigations. Cooperation between the Commission's members has been smooth and its findings so far have been adopted by consensus.

9. According to the Protocol to the Tehran Agreement (see S/1994/1253, annex), logistic support for the Joint Commission, including office space and accommodation and board for its members, is to be provided on the territory of Tajikistan by the Government of Tajikistan and on the territory of Afghanistan by the Tajik opposition. The parties also appealed to the Collective Peace-keeping Forces of the Commonwealth of Independent States (CIS) and to the international community for financial and logistic support for the Commission. While the Government has provided accommodation, the members of the Commission lack funds for their basic subsistence and the Commission as a whole has not received the means needed to carry out its tasks. The CIS Collective Peace-keeping Forces made available three vehicles and drivers, but this assistance was terminated after one month. UNMOT has reminded the Tajik sides of their responsibilities in this regard. I have also been in touch with the Russian authorities, in view of their earlier promises of support and the fact that the Russian forces in Tajikistan are the only organization in that country capable of providing vehicles and air transport. In particular, the timely provision of helicopter transport is essential for carrying out investigations.

10. I have made arrangements for a trust fund to support the Joint Commission in accordance with the Protocol to the Tehran Agreement and have sent an appeal to Member States to contribute to it. No contributions have been received so far.

Liaison

11. UNMOT has maintained close liaison with the parties to the conflict as well as with the CIS forces and the Russian border forces on matters relating to the maintenance of the cease-fire. It has also been in close touch with the representatives of the States and international organizations that are observers at the inter-Tajik talks. At UNMOT's suggestion, the Joint Commission has held periodic meetings with the representatives of the observer States, the Organization for Security and Cooperation in Europe (OSCE) and the International Committee of the Red Cross (ICRC). The observer States have given valuable political support for the maintenance of the cease-fire.

12. The location of UNMOT headquarters at Dushanbe has facilitated liaison with the Government, the CIS Collective Peace-keeping Forces and the Russian border forces. However, it has been difficult to maintain constant or even regular contact with the opposition, with which liaison has been maintained mainly through its members in the Joint Commission. In addition, the Secretariat has been in telephone contact with political leaders of the opposition in the Islamic Republic of Iran. UNMOT has tried to establish direct contact with the opposition's field commanders in northern Afghanistan, but has been unable so far to arrange effective liaison.

13. UNMOT has continued to provide political liaison and coordination for humanitarian assistance to Tajikistan, which is undergoing a deep economic crisis. Shortages of food and other basic necessities are widespread and the humanitarian assistance provided by the international community is indispensable, especially for the more vulnerable elements of Tajik society. UNMOT holds weekly coordination meetings with the representatives of United Nations agencies and programmes, as well as non-governmental organizations. It also conducts regular briefings on questions of security for these organizations.

Organizational aspects

14. At the end of January 1995, UNMOT's total personnel numbered 55: 11 international civilian staff, 22 local staff and 22 military observers. The military observers are from Austria (4), Bangladesh (7), Denmark (2), Hungary (1), Jordan (5) and Uruguay (3). UNMOT is headed by Mr. Liviu Bota, while the Chief Military Observer is Brigadier-General Hasan Abaza (Jordan).

15. In addition to its headquarters at Dushanbe, UNMOT maintains field stations at Garm, Kurgan-Tube and Pyanj. Additional field stations are to be opened as soon as the necessary personnel and equipment have arrived.

16. The Government of Tajikistan has formally agreed to my proposals concerning the status of UNMOT, which has thus been regulated along the lines of the model agreement contained in document A/45/594.

III. CONSULTATIONS WITH THE TAJIK PARTIES

17. During the third round of inter-Tajik talks, held at Islamabad at the end of October 1994, the two sides agreed to hold the next round in Moscow in early December 1994. When delays occurred in convening the fourth round, I instructed Mr. Ramiro Píriz-Ballón, my Special Envoy for Tajikistan, to undertake consultations with the Tajik Government, leaders of the opposition and certain Governments in the region. From 12 to 21 December 1994, the Special Envoy visited Dushanbe, Moscow and Tashkent for consultations with senior officials in these capitals.

18. During these consultations, President Rakhmonov of Tajikistan supported the idea of an early fourth round of inter-Tajik negotiations in Moscow, with the aim of extending the Tehran Agreement and achieving further progress in mutual confidence-building measures with the opposition.

19. My Special Envoy also explored the possibility of postponing the parliamentary elections scheduled for 26 February 1995. He pointed out to President Rakhmonov that this measure would give sufficient time to amend the electoral law as recommended by OSCE. This would provide the opportunity for opposition parties and movements to participate in a free and fair electoral process under international supervision. It would also extend the time-frame for the return of refugees and displaced persons, thus enabling them to participate in the elections. This step would thus promote national reconciliation. After consulting the Presidium of the Supreme Council, President Rakhmonov indicated to my Special Envoy his willingness to postpone the elections, provided the leaders of the opposition would state that they were willing to participate in them and to recognize their results. He requested my Special Envoy to consult with the opposition leaders on this issue.

20. From 12 to 15 January 1995, a United Nations team, led by the Director of the West Asia Division of the Department of Political Affairs of the Secretariat, had consultations with the Tajik opposition leaders in Tehran and with high-ranking officials of the Islamic Republic of Iran.

21. The United Nations team emphasized the need to extend the Tehran Agreement as soon as possible and to achieve substantive progress on national reconciliation during the next round of talks in Moscow. The Tajik opposition leaders were informed of the outcome of the consultations held by my Special Envoy at Dushanbe and the agreement of the Tajik Government to postpone the parliamentary elections, provided the opposition would participate in them and recognize the results. It was explained that the United Nations, OSCE and the observer countries in the Tajik talks considered that postponement of the elections would provide an opportunity to introduce necessary reforms in Tajikistan, creating the requisite environment for free and fair elections under international monitoring. Under those conditions, the participation of the

opposition in the parliamentary elections would be justified and would advance the process of national reconciliation.

22. However, the Tajik opposition leaders showed no interest in participating at this stage in parliamentary elections, even if they were to be postponed for a few months. Instead, they focused on complaints against the Tajik Government and the Russian border forces, accusing them of violating the Tehran Agreement. They stated that the opposition could not accept Moscow as the venue for the next round of talks, regardless of the previous agreement on the issue in the Islamabad communiqué (see S/1994/1253, annex), unless the Russian Federation would officially recognize the Tehran Agreement; return to the opposition the weapons and ammunition seized since the Agreement came into force; remove the new checkpoints established on the road connecting the towns of Khorog and Kalaikhumb in Gorno-Badakhshan; and delegate a representative of the border forces to the Russian observer team during the negotiations.

23. The Tajik Government was informed of this outcome and has since announced that the parliamentary elections will take place on 26 February 1995.

24. Following the consultations in Tehran, the Tajik opposition leaders dispatched a delegation to Moscow for unofficial contacts with representatives of the Russian Government to discuss the issues that were blocking the convening of the fourth round of inter-Tajik talks. Although these consultations were reported to be positive, they did not lead to agreement on the holding of the fourth round in Moscow.

25. The Tehran Agreement is scheduled to expire on 6 February 1995. In a letter addressed to me on 25 January 1995, President Rakhmonov stated that the Government of Tajikistan was prepared to extend it for any length of time without any additional conditions. He also reconfirmed the commitment of his Government to ensure the continuation of the talks.

26. Mr. Akbar Turajonzodah, head of the Tajik opposition delegation and First Deputy Chairman of the Islamic Revival Movement of Tajikistan, addressed a letter to me on 27 January 1995 in which he emphasized the need to resolve the conflict through political means at the negotiating table. In this regard, he declared a one-month extension - until 6 March 1995 - of the Tehran Agreement, in connection with the holy month of Ramadan. He expressed the hope that this would give an opportunity to continue the inter-Tajik political talks and lead to significant progress in resolving the fundamental issues on the agenda of the talks. Mr. Turajonzodah also stated that, in view of the constructive and stabilizing role of UNMOT, the Tajik opposition hoped that I would recommend that the Security Council extend the mandate of the mission.

27. The texts of the letters of President Rakhmonov and Mr. Turajonzodah are attached to the present report as annexes I and II respectively.

28. On 3 February 1995, talks took place in New York between Mr. Turajonzodah, accompanied by a delegation of the Tajik opposition, and the Under-Secretary-General for Political Affairs and the Assistant Secretary-General for Peace-Keeping Operations. The Secretariat officials urged Mr. Turajonzodah to accept that the fourth round of talks should take place at

an early date in Moscow, as had been agreed at the third round of talks in Islamabad. They pointed out that this would provide concrete evidence of the opposition's commitment to national reconciliation, in accordance with paragraph 3 of Security Council resolution 968 (1994).

29. Mr. Turajonzodah said that the opposition was ready to participate in the fourth round of talks at any time but that it could not agree that it should be held in Moscow. This was because of actions by the Russian border forces which the opposition considered to be violations of the Tehran Agreement. The Russian Government had not agreed to remove these obstacles during the unofficial contacts in Moscow, referred to in paragraph 24 above. The opposition was, however, ready to meet in any other capital of a member of CIS, without exception.

IV. OBSERVATIONS

30. As will be clear from the preceding section of the present report, the parties have made it possible for me to comply only partially with the requirements stated in paragraph 3 of Security Council resolution 968 (1994). Both have agreed to an extension of the cease-fire beyond 6 February 1995, though the opposition's agreement is to an extension of only one month. Both have also stated their commitment to a continuing political process. But the opposition's unwillingness to accept Moscow as a venue for the next round of inter-Tajik talks makes it impossible for me to report to the Council that negotiations are being actively pursued at the present time. I shall maintain my efforts to obtain the agreement of both parties to a venue and date for the fourth round.

31. In the meantime, the situation in Tajikistan remains tense, particularly on the border with Afghanistan. The economic crisis has had a serious negative impact on efforts to reach political stabilization in the country and to complete the repatriation of refugees.

32. The activities of UNMOT connected to the implementation of the Tehran Agreement, imperfect as the latter may be, are an important stabilizing factor in the country. This is recognized by both the Tajik parties. Although the fourth round of inter-Tajik talks remains blocked, both sides still say they are determined to continue the political process under the auspices of the United Nations. I accordingly recommend that UNMOT's presence in Tajikistan be continued for another month, until 6 March 1995, on the understanding that every effort will be made during that period to obtain agreement on the holding of the next round of talks as soon as possible.

Annex I

[Original: Russian]

Letter dated 25 January 1995 from the President of Tajikistan to the Secretary-General

First of all, allow me to convey to you and your Special Envoy to Tajikistan, Mr. Píriz-Ballón, my sincere thanks for the enormous efforts you have made to continue the inter-Tajik talks.

For its part, the Government of the Republic of Tajikistan reaffirms its position of principle and is prepared to do everything within its power to ensure the continuation of the talks.

In this context, I consider that the Agreement of 17 September 1994 on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country is the starting-point for the continuation of the talks. I have the honour to state that the Government of Tajikistan, which recognizes the exceptional importance of the Agreement, is prepared to extend it for any length of time and without any additional conditions.

I hope that, through the efforts being undertaken by the United Nations, the Tajik opposition will also take this step with a view to achieving, in the end, peace and prosperity in the land of the Tajiks.

(Signed) Emomali RAKHMONOV
President of the Republic of Tajikistan

Annex II

[Original: Russian]

Letter dated 27 January 1995 from the Head of delegation of the Tajik Opposition, First Deputy Chairman of the Islamic Revival Movement of Tajikistan, to the Secretary-General

On behalf of the Tajik opposition, I take this opportunity to convey to you my sincere thanks for the peacemaking efforts that have been undertaken with a view to settling the Tajik conflict.

On behalf of the leaders of the Tajik opposition, I should like to reaffirm our position of principle that the conflict should be settled by political means, at the negotiating table. In this regard, we declare a one-month extension - until 6 March 1995 - of the Agreement of 17 September 1994 on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country, in connection with the holy month of Ramadan. I hope that this will give us an opportunity to continue the inter-Tajik political talks and make significant progress in resolving the issues on the agenda of the talks, including fundamental political problems. The Tajik people are waiting for this with impatience, and our neighbours and the entire international community have placed their hopes in this.

In view of the constructive and stabilizing role of the United Nations Mission of Observers in Tajikistan (UNMOT), I should like to express the Tajik opposition's wish and hope that you will recommend that the Security Council extend the mandate of the Mission.

(Signed) A. TURAJONZODA
Head of delegation of the Tajik Opposition
First Deputy Chairman of the Islamic
Revival Movement of Tajikistan